

Notice of Allowability

Application No.

10/802,648

Examiner

Mujtaba K. Chaudry

Applicant(s)

CHOU ET AL.

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview on 2/22/2006.
2. ☒ The allowed claim(s) is/are 13, 15, 25 and 27-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 5/26/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 2/22/2006
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

GUY LAMARRE
PRIMARY EXAMINER

DETAILED ACTION

Claims 1-34 were presented for examination. In response to a restriction requirement, an oral election was made to examine claims 13-15 and 25-34. Non-elected claims are cancelled. See interview summary attached.

Information Disclosure Statement

The references listed in the information disclosure statements (IDS) submitted were considered. The submission is in compliance with the provisions of 37 CFR 1.97.

Oath/Declaration

The Oath filed March 17, 2004 complies with all the requirements set forth in MPEP 602 and therefore is accepted.

Drawings

The drawings submitted March 17, 2004 are accepted.

Specification

The specification filed March 17, 2004 is accepted.

EXAMINER'S AMENDMENT

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with James Morris on Thursday, February 22, 2007.

Please amend the application as follows:

Please cancel claims 1-12, 14, 16-24 and 26.

Please replace claim 13 with:

A computer-readable medium having thereon computer-executable instructions for performing a method comprising decoding at least a portion of a distortion-prioritized data sequence from at least one of a plurality of layers of multiple description coding, the plurality of layers of multiple description coding comprising:

a first layer of multiple description coding, the first layer of multiple description coding comprising:

an initial part of the distortion-prioritized data sequence; and forward error correction code for the initial part of the distortion-prioritized data sequence; and

a second layer of multiple description coding, the second layer of multiple description coding comprising:

a next part of the distortion-prioritized data sequence; and
forward error correction code for the next part of the distortion-prioritized data sequence;
wherein the second layer of multiple description coding further comprises forward error
correction code for the initial part of the distortion-prioritized data sequence.

Please replace claim 25 with:

A computer-readable medium having thereon a data structure comprising a distortion-prioritized data sequence encoded in a plurality of layers of multiple description coding, the plurality of layers of multiple description coding comprising:

a first layer of multiple description coding, the first layer of multiple description coding comprising:

an initial part of the distortion-prioritized data sequence; and
forward error correction code for the initial part of the distortion-prioritized data sequence; and

a second layer of multiple description coding, the second layer of multiple description coding comprising:

a next part of the distortion-prioritized data sequence; and
forward error correction code for the next part of the distortion-prioritized data sequence;
wherein the second layer of multiple description coding further comprises forward error correction code for the initial part of the distortion-prioritized data sequence.

REASONS FOR ALLOWANCE

Claims 13, 15, 25 and 27-34 are allowed. The following is an Examiner's statement of reasons for allowance:

Independent claim 13, for example, teaches a computer-readable medium having thereon computer-executable instructions for performing a method comprising decoding at least a portion of a distortion-prioritized data sequence from at least one of a plurality of layers of multiple description coding, the plurality of layers of multiple description coding comprising: a first layer of multiple description coding, the first layer of multiple description coding comprising: an initial part of the distortion-prioritized data sequence; and forward error correction code for the initial part of the distortion-prioritized data sequence; and a second layer of multiple description coding, the second layer of multiple description coding comprising: a next part of the distortion-prioritized data sequence; and forward error correction code for the next part of the distortion-prioritized data sequence; wherein the second layer of multiple description coding further comprises forward error correction code for the initial part of the distortion-prioritized data sequence. The foregoing limitations are not found in the prior arts of record. Particularly, none of the prior arts of record teach nor fairly suggest, "...a first layer of multiple description coding, the first layer of multiple description coding comprising: *an initial part of the distortion-prioritized data sequence; and forward error correction code for the initial part of the distortion-prioritized data sequence;* and a second layer of multiple description coding, the second layer of multiple description coding comprising: *a next part of the distortion-prioritized data sequence;* and forward error correction code for the next part of the distortion-prioritized

Art Unit: 2133

data sequence; *wherein the second layer of multiple description coding further comprises forward error correction code for the initial part of the distortion-prioritized data sequence.*”

Independent claim 25 includes similar limitations of independent claim 13 and therefore is allowed for similar reasons.


Dependent claims 15 and 27-34 depend from allowable independent claims 13 and 25 and inherently include limitations therein and therefore are allowed as well.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mujtaba K. Chaudry whose telephone number is 571-272-3817. The examiner can normally be reached on Mon-Thur 9-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 571-272-3819.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mujtaba Chaudry
Art Unit 2133
February 22, 2007